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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SORRELL, ERON J

ART UNIT PAPER NUMBER

2182

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,433

Applicant(s)

WHALE, MARGO N.

Examiner

Eron J. Sorrell

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/22/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Art Unit: 2182

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/05 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 38,39,43-45,51,52,53,56,57,61, and 62 are rejected under 35 U.S.C. 102(a) as being anticipated by Helterline et al. (U.S. Patent No. 6,03,9430 hereinafter "Helterline").

Art Unit: 2182

4. Referring to claims 38, Helterline teaches a method for use by a component return entity, the method comprising:

receiving a component of a printing device that has been utilized within the printing device and subsequently removed from the printing device, the component including a memory component that maintains printing-related data (see line 54 of column 6 to line 21 of column 7);

retrieving the printing-related data from the memory component after the memory component has been removed from the printing device and returned to the component return entity (see line 54 of column 6 to line 21 of column 7; note the component return entity is the "one to infer various aspects regarding the frequency and type of printing accomplished"); and

utilizing the printing-related data for printing analysis (see line 54 of column 6 to line 21 of column 7).

5. Referring to claim 39, Helterline teaches receiving a replaceable component of the printing device (see line 54 of column 6 to line 21 of column 7).

Art Unit: 2182

6. Referring to claims 43 and 56, Helterline teaches utilizing the printing-related data for marketing analysis (see 6-21 of column 7).

7. Referring to claims 44 and 57, Helterline teaches developing a product distribution scheme based on the printing-related data (see "marketing information" at lines 6-21 of column 7).

8. Referring to claim 45, Helterline teaches the printing-related data includes print media usage data collected when the printing device is operational and when an imaging medium is printed on the print media (see line 54 of column 6 to line 21 of column 7).

9. Referring to claim 51, Helterline teaches a method, comprising:

receiving a replaceable printing component that has been utilized within a printing device and subsequently removed from the printing device, the replaceable printing component having print media usage data maintained therewith, the print media usage data being collected during one or more printing operations when an imaging

Art Unit: 2182

medium is applied to print media (see line 54 of column 6 to line 21 of column 7);

retrieving the print media usage data from the replaceable printing component after the replaceable printing component has been removed from the printing device (see line 54 of column 6 to line 21 of column 7); and

utilizing the print media usage data for printing analysis (see line 54 of column 6 to line 21 of column 7).

10. Referring to claim 52, Helterline teaches retrieving the print media usage data includes retrieving the print media usage data from a memory component of the replaceable printing component (see line 54 of column 6 to line 21 of column 7).

11. Referring to claim 53, Helterline teaches the print media usage data is further collected during the one or more printing operations of a printing device with the replaceable printing component configured for operation with the printing device, and wherein receiving the replaceable printing component includes receiving the replaceable printing component in an inoperable state and

Art Unit: 2182

removed from the printing device (see line 54 of column 6 to line 21 of column 7).

12. Referring to claim claims 61 and 62, Helterline teaches the manufacturer of the replaceable component receives the replaceable printing component and retrieves the print media usage data (see lines 6-21 of column 7) and Helterline further teaches providing the print media usage data to a manufacturer of the replaceable printing component (see lines 29-46 of column 8).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 40-42, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helterline in view of Jenkins et al. (WO 94/04446 hereinafter "Jenkins").

Art Unit: 2182

15. Referring to claim 40, Helterline fails to teach receiving the component includes receiving a recyclable component of the printing device, however Heleterline does teach the component being an ink jet cartridge (see lines 47-58 of column 2).

Jenkins teaches, in an analogous system, ink jets cartridges being recyclable (see lines 23-33 of page 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Helterline such that the ink jet cartridges are recyclable in order to cut down on the amount of waste caused by throwing them away.

16. Referring to claims 41 and 54, Jenkins teaches receiving the component includes receiving the component via a replaceable component recycle program (see lines 23-33 of page 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Helterline with the above teachings of Jenkins. One of ordinary skill would have been motivated to make such modification in order to encourage recycling as suggested by Jenkins (see abstract).



Art Unit: 2182

17. Referring to claims 42 and 55, Helterline fails to teach receiving a toner cartridge of the printing device, however Helterline does disclose the receiving an ink jet cartridge (see line 54 of column 6 to line 21 of column 7).

Jenkins teaches receiving a toner cartridge of the printing device (see lines 23-33 of page 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Helterline such that it included receiving toner cartridges. One of ordinary skill in the art would have been motivated to make such modification to allow for diverse types of printing devices.

18. Claims 46-50 and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helterline in view of McGraw (U.S. Patent No. 6,097,497).

19. Referring to claims 46-50 and 58-60, Helterline teaches the printing-related data includes a total number of print media having an imaging medium printed thereon routed in the printing device (see paragraph bridging columns 7 and 8), however Helterline fails to teach

Art Unit: 2182

determining the number of a particular type of print media having an imaging medium printed thereon and a determinable media identifier and storing that information along with percentages concerning the types of media determined.

McGraw teaches determining the number of a particular type of print media having an imaging medium printed thereon and a determinable media identifier and storing that information along with statistical information (percentages) concerning the types of media determined (see lines 38-53 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system method of Helterline with the teachings of McGraw. One of ordinary skill in the art would have been motivated to make such modification in order to accurately predict the characteristics of any unmarked media type as suggested by McGraw (see lines 38-53 of column 6).

#### ***Response to Arguments***

20. Applicant's arguments with respect to claims 38-45, 51-53, 54-57, 61, 62 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2182

21. Applicant's arguments with respect to the McGraw reference are not persuasive. The applicant argues:

1) McGraw fails disclose or suggest printing related data which includes a total number of a brand of print media routed during one or more printing operations. McGraw describes determining what type of print media (e.g., plain paper, coated paper, glossy paper and film) is being used in a printer, but does not describe determining the brand (McGraw, col. 4, lines 14-18).

**As per argument 1, the Examiner disagrees.** McGraw teaches determining the brand (manufacturer) of the print media (see figure item 302 in figure 3A). McGraw further teaches, at lines 38-53 of column 6, "In a further extension of the present invention, the augmented printer of the present invention accumulates information about the varieties of "smart paper" typically used by the user to statistically predict the characteristics of any unmarked print medium that is fed through the printer." This citation shows that information about the total number of particular types of print media is stored to statistically (based on percentages) make predictions about other unmarked media and shows McGraw teaches the limitation of

Art Unit: 2182

storing printing-related data including a total number of a particular type of print media having a determinable identifier.

### *Conclusion*

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U.S. Patent is cited to further show the state of the art as it pertains to the applicant's application:

U.S. Patent No. 6,808,255 teaches a method for receiving replaceable printing components through a recyclable components program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS

June 20, 2005

  
**KIM HUYNH**  
**PRIMARY EXAMINER**

6/23/05